

(2) approved by the United States secretary of health and human services.

Sec. 1510.009. *ADDITIONAL AUTHORITY.* In addition to the powers granted to the commissioner under this chapter, the commissioner may exercise any authority that may be exercised under the law of this state by:

(1) a reinsurer; or

(2) a health benefit plan issuer authorized to write health benefit plans in this state.

Sec. 1510.010. *RULES.* The commissioner may adopt rules necessary to implement this chapter, including rules to administer the pool and distribute money from the pool.

Sec. 1510.011. *EXEMPTION FROM STATE TAXES AND FEES.* Notwithstanding any other law, a program created under this chapter is not subject to any state tax, regulatory fee, or surcharge, including a premium or maintenance tax or fee.

Sec. 1510.012. *ANNUAL REPORT OF POOL ACTIVITIES.* (a) Beginning June 1, 2018, not later than June 1 of each year, the department shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives.

(b) The report submitted under Subsection (a) must:

(1) summarize the activities conducted under this chapter in the calendar year preceding the year in which the report is submitted; and

(2) include information relating to:

(A) net written and earned premiums;

(B) plan enrollment;

(C) administration expenses; and

(D) paid and incurred losses.

Sec. 1510.013. *EXPIRATION OF CHAPTER.* This chapter expires August 31, 2019.

SECTION 2. Notwithstanding Section 6(d)(2), Chapter 615 (S.B. 1367), Acts of the 83rd Legislature, Regular Session, 2013, on the effective date of this Act, the commissioner of insurance shall transfer any money remaining outside the state treasury in the Texas Treasury Safekeeping Trust Company account established under Section 6(c), Chapter 615 (S.B. 1367), Acts of the 83rd Legislature, Regular Session, 2013, to the healthy Texas small employer premium stabilization fund.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on April 26, 2017: Yeas 31, Nays 0; the Senate concurred in House amendments on May 22, 2017: Yeas 31, Nays 0; passed the House, with amendments, on May 17, 2017: Yeas 117, Nays 23, two present not voting.

Approved June 12, 2017.

Effective June 12, 2017.

**AUTHORIZATION BY THE TEXAS HIGHER EDUCATION
COORDINATING BOARD FOR CERTAIN PUBLIC JUNIOR
COLLEGES TO OFFER BACCALAUREATE DEGREE
PROGRAMS**

CHAPTER 766

S.B. No. 2118

AN ACT

relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter L, and a heading is added to that subchapter to read as follows:

SUBCHAPTER L. BACCALAUREATE DEGREE PROGRAMS

SECTION 2. Section 130.0012(l), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.301, Education Code, and amended to read as follows:

Sec. 130.301. DEFINITIONS. [(b)] In this subchapter:

- (1) "Coordinating board" means the Texas Higher Education Coordinating Board.
- (2) "General academic teaching institution," "medical and dental unit," [section; "general academic teaching institution"] and "institution of higher education" have the meanings assigned by Section 61.003.

SECTION 3. Section 130.0012(a), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.302, Education Code, and amended to read as follows:

Sec. 130.302. BACCALAUREATE DEGREE PROGRAMS; GENERAL AUTHORIZATION. [(a)] The coordinating board may [Texas Higher Education Coordinating Board shall] authorize public junior colleges to offer baccalaureate degree programs as provided by this subchapter [in the fields of applied science and applied technology under this section]. Offering a baccalaureate degree program under this subchapter [section] does not otherwise alter the role and mission of a public junior college.

SECTION 4. Section 130.0012(b), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.303, Education Code, and amended to read as follows:

Sec. 130.303. AUTHORIZATION FOR CERTAIN BACCALAUREATE DEGREE PROGRAMS. (a) [(b)] The coordinating board shall authorize baccalaureate degree programs in the fields of applied science, applied technology, and nursing at each public junior college that previously participated in a pilot project to offer baccalaureate degree programs.

(b) The coordinating board may authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program in the field of applied science, including a degree program in the field of applied science with an emphasis in early childhood education, applied technology, or nursing and have demonstrated a workforce need.

SECTION 5. Sections 130.0012(b-1) and (b-2), Education Code, are transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.304, Education Code, and amended to read as follows:

Sec. 130.304. BACCALAUREATE IN DENTAL HYGIENE. (a) [(b-1)] The coordinating board shall authorize [establish a pilot project to examine the feasibility and effectiveness of authorizing] baccalaureate degree programs in the field of dental hygiene at a public junior college that offers a degree program in that field, has a main campus located in the county seat of a county with a population greater than 200,000, and includes territory in at least six public school districts located in two counties. [Subsection (g) does not apply to junior-level and senior-level courses offered under this subsection. In its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that junior-level and senior-level courses offered under this subsection by a public junior college receive the same state support as other courses offered by the public junior college.]

(b) [(b-2)] Not later than January 1, 2017, the coordinating board shall prepare a progress report on the baccalaureate degree program in the field of dental hygiene [pilot

~~project~~ established under *this section* [Subsection (b-1)]. Not later than January 1, 2019, the coordinating board shall prepare a report on the effectiveness of the *degree program* [pilot project], including any recommendations for legislative action regarding the offering of baccalaureate degree programs in the field of dental hygiene by a public junior college. The coordinating board shall deliver a copy of each report to the governor, the lieutenant governor, the speaker of the house of representatives, and the chair of the standing committee of each house of the legislature with primary jurisdiction over higher education. *This subsection expires January 1, 2020.* [Unless the authority to continue offering a baccalaureate degree program in the field of dental hygiene is continued by the legislature, a public junior college may not:

~~(1) enroll a new student in a baccalaureate degree program under the pilot project after the 2019 fall semester;~~

~~(2) offer junior-level or senior-level courses for those degree programs after the 2021 fall semester, unless the coordinating board authorizes the college to offer those courses; or~~

~~(3) award a baccalaureate degree under the pilot project after the 2021 fall semester, unless the coordinating board approves the awarding of the degree.]~~

SECTION 6. Section 130.0012(c), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.305, Education Code, and amended to read as follows:

Sec. 130.305. ACCREDITATION. [(e)] A public junior college offering a baccalaureate degree program under this *subchapter* [section] must meet all applicable accreditation requirements of the Commission on Colleges of the Southern Association of Colleges and Schools.

SECTION 7. Section 130.0012(d), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.306, Education Code, and amended to read as follows:

Sec. 130.306. LIMITATION. (a) [(d)] A public junior college offering a baccalaureate degree program under *Section 130.303(a)* [this section] may not offer more than five baccalaureate degree programs at any time.

(b) *Except as provided by Subsection (a), a public junior college offering a baccalaureate degree program under this subchapter may not offer more than three baccalaureate degree programs at any time.*

(c) *Degree* [The degree] programs offered under this subchapter are subject to the continuing approval of the coordinating board.

SECTION 8. Section 130.0012(e), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.307, Education Code, and amended to read as follows:

Sec. 130.307. REQUIREMENTS. (a) [(e)] In determining *whether a public junior college may offer* [what] baccalaureate degree programs and *what degree programs may* [are to] be offered, the coordinating board shall:

(1) *apply the same criteria and standards the coordinating board uses to approve baccalaureate degree programs at general academic teaching institutions and medical and dental units; and*

(2) *consider the following factors:*

(A) [(1)] the *workforce* need for the degree programs in the region served by the junior college;

(B) [(2)] how those degree programs would complement the other programs and course offerings of the junior college and *whether the associate degree program offered by the junior college in the same field has been successful;*

(C) [(3)] whether those degree programs would unnecessarily duplicate the degree programs offered by other institutions of higher education; and

(D) [(4)] the ability of the junior college to support the *degree programs with*

student enrollment [program] and the adequacy of the junior college's facilities, faculty, administration, libraries, and other resources.

(b) A public junior college may offer a baccalaureate degree program under this subchapter only if its junior college district:

(1) had a taxable property valuation amount of not less than \$6 billion in the preceding year; and

(2) received a positive assessment of the overall financial health of the district as reported by the coordinating board.

(c) Before a public junior college may be authorized to offer a baccalaureate degree program under this subchapter, the public junior college must submit a report to the coordinating board that includes:

(1) a long-term financial plan for receiving accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools;

(2) a long-term plan for faculty recruitment that:

(A) indicates the ability to pay the increased salaries of doctoral faculty;

(B) identifies recruitment strategies for new faculty; and

(C) ensures the program would not draw faculty employed by a neighboring institution offering a similar program;

(3) detailed information on the manner of program and course delivery; and

(4) detailed information regarding existing articulation agreements and dual enrollment agreements indicating:

(A) that at least three articulation agreements have been established with general academic teaching institutions or medical and dental units, or the reasons why no articulation agreements have been established; and

(B) that, with the agreement of the applicable general academic teaching institution or medical and dental unit, established articulation agreements are at capacity.

(d) The coordinating board may not authorize a public junior college to offer a baccalaureate degree in a field if articulation agreements with general academic teaching institutions or medical and dental units are sufficient to meet the needs of that field.

SECTION 9. Subchapter L, Chapter 130, Education Code, as added by this Act, is amended by adding Section 130.308, Education Code, to read as follows:

Sec. 130.308. SPECIAL REQUIREMENTS FOR NURSING DEGREE PROGRAM.

(a) In determining whether a public junior college may offer a baccalaureate degree program in nursing, the coordinating board shall:

(1) require a public junior college to provide evidence to the coordinating board and the Texas Board of Nursing that the public junior college has secured adequate long-term clinical space;

(2) obtain a letter from each clinical site provided indicating that the clinical site has not refused a similar request from a general academic teaching institution or medical and dental unit; and

(3) establish that the corresponding associate degree program offered by the public junior college has been successful as indicated by job placement rates and licensing exam scores.

(b) A baccalaureate degree program offered under this subchapter by a public junior college in the field of nursing must:

(1) be a bachelor of science degree program;

(2) meet the standards and criteria the Texas Board of Nursing uses to approve pre-licensure degree programs at general academic teaching institutions and medical and dental units regardless of whether the program is a pre-licensure or post-licensure program; and

(3) be accredited by a national nursing accrediting body recognized by the United States Department of Education.

(c) A public junior college offering a baccalaureate degree program in the field of nursing under this subchapter must demonstrate to the coordinating board that it will maintain or exceed the enrollment available to nursing students enrolled in an associate degree program at the public junior college in the 2016–2017 academic year and must continue to maintain or exceed that level of enrollment in the corresponding associate degree program until the 2021–2022 academic year. This subsection expires January 1, 2023.

SECTION 10. Sections 130.0012(f) and (j), Education Code, are transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.309, Education Code, and amended to read as follows:

Sec. 130.309. ARTICULATION AGREEMENT REQUIRED. (a) ~~[(f)]~~ Each public junior college that offers a baccalaureate degree program under this subchapter ~~[section]~~ must enter into an articulation agreement for the first five years of the program with one or more general academic teaching institutions or medical and dental units to ensure that students enrolled in the degree program have an opportunity to complete the degree if the public junior college ceases to offer the degree program. The coordinating board may require a general academic teaching institution or medical and dental unit that offers a comparable degree program to enter into an articulation agreement with the public junior college as provided by this subsection.

(b) ~~[(j)]~~ The coordinating board shall prescribe procedures to ensure that each public junior college that offers a degree program under this subchapter ~~[section]~~ informs each student who enrolls in the degree program of the articulation agreement entered into under this section ~~[Subsection (f)]~~ for the student's degree program.

SECTION 11. Section 130.0012(g), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.310, Education Code, and amended to read as follows:

Sec. 130.310. FUNDING. (a) Except as provided by Subsection (b), a degree program created under this subchapter may be funded solely by a public junior college's proportionate share of state appropriations under Section 130.003, local funds, and private sources. This subsection does not require the legislature to appropriate state funds to support a degree program created under this subchapter. The coordinating board shall weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered under this subchapter used to determine a public junior college's proportionate share of state appropriations under Section 130.003 in the same manner as a lower division course in a corresponding field.

(b) Notwithstanding Subsection (a), in ~~[(g)–(h)]~~ its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that a public junior college authorized to offer baccalaureate degree programs under Section 130.303(a) or 130.304 receive substantially the same state support for junior-level and senior-level courses in the fields of applied science, applied technology, dental hygiene, and nursing offered under this subchapter ~~[section]~~ as that provided to a general academic teaching institution for substantially similar courses. For purposes of this subsection, in ~~[(h)]~~ determining the contact hours attributable to students enrolled in a junior-level or senior-level course in the field of applied science, applied technology, dental hygiene, or nursing offered under this subchapter ~~[section]~~ used to determine a public junior college's proportionate share of state appropriations under Section 130.003, the coordinating board shall weigh those contact hours as necessary to provide the junior college the appropriate level of state support to the extent state funds for those courses are included in the appropriations. This subsection does not prohibit the legislature from directly appropriating state funds to support junior-level and senior-level courses to which this subsection applies ~~[offered under this section]~~.

(c) A public junior college may not charge a student enrolled in a baccalaureate degree program offered under this subchapter tuition and fees in an amount that exceeds the amount of tuition and fees charged by the junior college to a similarly situated student

who is enrolled in an associate degree program in a corresponding field. This subsection does not apply to tuition and fees charged for a baccalaureate degree program in the field of applied science or applied technology previously offered as part of a pilot project and offered by a public junior college authorized to offer baccalaureate degree programs under Section 130.303(a).

SECTION 12. Section 130.0012(h), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.311, Education Code, and amended to read as follows:

Sec. 130.311. REPORT. Each biennium, each ~~[(h) Each]~~ public junior college offering a baccalaureate degree program under this subchapter ~~[section]~~ shall conduct a review of each baccalaureate degree program offered and prepare a ~~[biennial]~~ report on the operation, quality, and effectiveness of those ~~[the junior college's baccalaureate]~~ degree programs. A ~~[and shall deliver a]~~ copy of the report shall be delivered to the coordinating board in the form and at the time determined by the coordinating board.

SECTION 13. Section 130.0012(k), Education Code, is transferred to Subchapter L, Chapter 130, Education Code, as added by this Act, redesignated as Section 130.312, Education Code, and amended to read as follows:

Sec. 130.312. RULES. ~~[(k)]~~ The coordinating board shall adopt rules as necessary for the administration of this subchapter ~~[section]~~.

SECTION 14. The heading to Section 130.0012, Education Code, is repealed.

SECTION 15. Section 130.0012(b-3), Education Code, is repealed.

SECTION 16. The changes in law made by this Act to Section 130.0012(b-1), Education Code, redesignated as Section 130.304, Education Code, apply beginning with funding recommendations made under Subchapter L, Chapter 130, Education Code, as added by this Act, for the state fiscal biennium beginning September 1, 2019.

SECTION 17. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on May 3, 2017: Yeas 26, Nays 5; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 26, Nays 5; passed the House, with amendments, on May 20, 2017: Yeas 117, Nays 17, two present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 28, 2017, House adopted Conference Committee Report by the following vote: Yeas 134, Nays 8, three present not voting.

Approved June 12, 2017.

Effective June 12, 2017.

REQUIREMENTS FOR A REPRESENTATIVE FOR A STUDENT IN A SPECIAL EDUCATION DUE PROCESS HEARING

CHAPTER 767

S.B. No. 2141

AN ACT

relating to requirements for a representative for a student in a special education due process hearing.

Be it enacted by the Legislature of the State of Texas: